

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CURTIS JAMES MCGUIRE,

Plaintiff,

versus

JEFFREY WOODWARD, *et al.*,

Defendants.

CIVIL ACTION NO. 1:20-CV-193

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Curtis James McGuire, proceeding *pro se*, filed the above-styled civil rights lawsuit against Jeffrey Woodward, Shakietha Thomas and Emma Davis. Plaintiff alleges defendants Woodward and Thomas retaliated against him and that defendant Davis was deliberately indifferent to his serious medical needs.

The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion to dismiss filed by the defendants be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. In his objections, plaintiff referenced a response (#58) he filed to the motion to dismiss. The response was filed on the same day the Report and Recommendation was submitted. The court has considered the response, as well as plaintiff's objections.


The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit. Even after considering the response to the motion to dismiss, plaintiff's allegations fail to demonstrate a constitutional violation on the part of the defendants for either retaliation or deliberate indifference to serious medical needs. As a result, the defendants are entitled to qualified immunity with respect to the claims against them

in their individual capacities and Eleventh Amendment immunity to the extent they are sued in their official capacities.

ORDER

Accordingly, the objections filed by plaintiff in this matter (#61) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#57) are correct, and the report of the magistrate judge is **ADOPTED**. The motion to dismiss (#49) is **GRANTED**. A final judgment shall be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 3rd day of August, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE